

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

ASHINC Corporation, et al.,

Debtor.

Chapter 11

Case No. 12-11564 (CSS)

(Jointly Administered)

CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE  
FOR ASHINC CORPORATION, ET AL., AS  
SUCCESSOR TO THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS OF ASHINC  
CORPORATION, AND ITS AFFILIATED DEBTORS,

Plaintiff,

v.

YUCAIPA AMERICAN ALLIANCE FUND I, LLC,  
YUCAIPA AMERICAN MANAGEMENT, LLC,  
AMERICAN AIRLINES MASTER FIXED BENEFIT  
PENSION PLAN TRUST, AMERICAN PRIVATE  
EQUITY PARTNERS II, LP, AUTOMOTIVE  
MACHINISTS PENSION TRUST, BOARD OF FIRE  
AND POLICE PENSION COMMISSIONERS OF THE  
CITY OF LOS ANGELES, CALIFORNIA PUBLIC  
EMPLOYEES' RETIREMENT SYSTEM,  
CARPENTERS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA, COLLIER PARTNERS 702  
LP INCORPORATED, CLOUSE S.A., CONSOLIDATED  
RETIREMENT FUND, IAM PRIVATE EQUITY, LLC,  
ILGWU DEATH BENEFIT FUND 4, INTERNATIONAL  
SIF SICAV SA, LOCALS 302 & 612 OF THE  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS – EMPLOYERS CONSTRUCTION  
INDUSTRY RETIREMENT TRUST, LOS ANGELES  
CITY EMPLOYEES' RETIREMENT SYSTEM,  
NATIONAL RETIREMENT FUND, NEW MEXICO  
STATE INVESTMENT COUNCIL, NEW MEXICO  
STATE INVESTMENT COUNCIL LAND GRANT  
PERMANENT FUND, NEW MEXICO STATE  
INVESTMENT COUNCIL SEVERANCE TAX  
PERMANENT FUND, NEW YORK CITY

Adv. Pro. No. 21-51179 (CSS)

EMPLOYEES' RETIREMENT SYSTEM, NEW YORK CITY FIRE DEPARTMENT PENSION FUND, NEW YORK CITY POLICE PENSION FUND, NORTHEAST CARPENTERS PENSION FUND, PACIFIC COAST ROOFERS PENSION PLAN, SANBA II INVESTMENT AUTHORITY, STATE STREET BANK AND TRUST COMPANY (AS TRUSTEE ON BEHALF OF AMERICAN AIRLINES MASTER FIXED BENEFIT PENSION PLAN TRUST); STEAMSHIP TRADE ASSOCIATION OF BALTIMORE, INC. – INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (AFL- CIO) PENSION FUND, TEACHERS' RETIREMENT SYSTEM OF THE CITY OF NEW YORK, UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION PENSION PLAN FOR EMPLOYEES, WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST

Defendants.

**LIMITED PARTNER DEFENDANTS' MOTION TO STAY  
ADVERSARY PROCEEDING PENDING THE DISPOSITION OF  
THE MOTION TO WITHDRAW THE REFERENCE**

The group of limited partner defendants (the “LP Defendants”)<sup>1</sup> in the above-captioned adversary proceeding (the “Adversary Proceeding”) hereby move (this “Motion”) for entry of an order substantially in the form attached hereto as **Exhibit A**, pursuant to Rule 5011(c) of the Federal Rules of Bankruptcy Procedure to and for the reasons set forth in the accompanying

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<sup>1</sup> The LP Defendants are herein defined as American Private Equity Partners II, LP, American Airlines Master Fixed Benefit Pension Plan Trust, California Public Employees' Retirement System, Carpenters Pension Trust for Northern California, Clouse S.A., acting in respect of its Compartment 11, Collier Partners 702 LP Incorporated, Consolidated Retirement Fund, IAM Private Equity, LLC, ILGWU Death Benefit Fund 4, International SIF SICAV SA, Locals 302 & 612 Of The International Union Of Operating Engineers – Employers Construction Industry Retirement Trust, National Retirement Fund, New Mexico State Investment Council, New Mexico State Investment Council Land Grant Permanent Fund, New Mexico State Investment Council Severance Tax Permanent Fund, New York City Employees' Retirement System, New York City Fire Department Pension Fund, New York City Police Pension Fund, Northeast Carpenters Pension Fund, Pacific Coast Roofers Pension Plan, Steamship Trade Association of Baltimore, Inc. – International Longshoremen's Association (AFL-CIO) Pension Fund, Teachers' Retirement System of the City of New York, Sanba II Investment Company, State Street Bank and Trust Company (as Trustee on behalf of American Airlines Master Fixed Benefit Pension Plan Trust), United Food and Commercial Workers International Union Pension Plan for Employees, and Western Conference of Teamsters Pension Trust.

*Memorandum of Law in Support of Limited Partner Defendants' Motion to Stay the Adversary Proceeding Pending the Disposition of the Motion to Withdraw the Reference* (the "Memorandum"),<sup>2</sup> staying the Adversary Proceeding immediately upon the close of briefing in connection with the LP Defendants' Motion to Dismiss, and pending the disposition of the *LP Defendants' Motion to Withdraw the Reference Pursuant to 28 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure 5011*, currently pending before the United States District Court for the District of Delaware.

WHEREFORE, the LP Defendants respectfully request that the Motion be granted and that the Court order such other and further relief as is just and proper.

Dated: June 1, 2022  
Wilmington, Delaware

**BAYARD, P.A.**

/s/ Erin R. Fay  
Erin R. Fay (5268)  
Gregory J. Flasser (6154)  
Bayard, P.A.  
600 North King Street, Suite 400  
P.O. Box 25130  
Wilmington, Delaware 19801  
Telephone: (302) 429-4226  
Facsimile: (302) 658-6395  
efay@bayardlaw.com  
gflasser@bayardlaw.com

-and-

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<sup>2</sup> The Memorandum is being filed contemporaneously herewith and is incorporated herein in its entirety by reference.

**LOWENSTEIN SANDLER LLP**

Michael Etkin

Andrew Behlmann

Nicole Fulfree

Scott Cargill

Colleen Restel

Lowenstein Sandler LLP

One Lowenstein Drive

Roseland, NJ 07068

Telephone: 973-597-2500

Email: metkin@lowenstein.com

abehlmann@lowenstein.com

nfulfree@lowenstein.com

scargill@lowenstein.com

crestel@lowenstein.com

*Counsel to the LP Defendants*